



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,524	01/30/2002	Jeffrey D. Jacobson	JACO-006	5773
7590		03/22/2004	EXAMINER	
Michael S. Neustel		SHRIVER II, JAMES A		
2534 South University Drive, Suite No.4		ART UNIT		
Fargo, ND 58103		PAPER NUMBER		

3618

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Sk

<b>Office Action Summary</b>	Application No. 10/059,524	Applicant(s) JACOBSON, JEFFREY D.	
	Examiner J. Allen Shriver	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's submittal of an After-final amendment was received on February 20, 2004, wherein claim 11 was amended and claim 18 was cancelled.
2. The indicated allowability of claims 1-7, 9-17 and 19-21 is withdrawn in view of the newly discovered reference(s) to Rapin (GB 473,231) and Violette (US Patent 3,600,829).  
Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rapin (GB 473,231) in view of Koblick (US Patent 4,004,355).** Rapin discloses a ski system comprising a base member (See Fig. 1) having an upper surface and a lower surface (See Fig. 2); a plurality of gripping members (2) attached to and extending downwardly from said lower surface, wherein each of said gripping members has a front portion for gliding (See Fig. 2) upon a snow surface allowing forward movement and a rear portion for engaging said snow surface for preventing rearward movement (See Fig. 2); wherein said plurality of gripping members are aligned in three parallel row along a longitudinal axis of said base member (See Fig. 1); [claims

2-3] wherein said front portion is tapered/curved upwardly and forwardly to said lower surface of said base member; [claim 4] wherein said rear portion extends upwardly to said lower surface of said base member; [claim 5] wherein said rear portion extends upwardly at a forward angle to said lower surface of said base member; [claim 7] wherein said rear portion is comprised of a closed structure; [claim 9] wherein said securing structure is comprised of a receiver structure for receiving the rear portion of a shoe, a first strap attached to said base member, a first strap attached to said base member and a second strap attached to said base member, wherein said straps may be connected about a front portion of said shoe (See Fig. 1).

Rapin does not specifically disclose a securing structure attached to said upper surface of said base member for catchably receiving a shoe. Koblick discloses a securing structure attached to an upper surface of a base member for catchably receiving a shoe (See Figs. 1-2). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to attach a securing structure disclosed in Koblick on the base member disclosed in Rapin. The motivation for doing so would have been to secure the user's boot to the ski.

Regarding claim 6, it is inherent that skis have a front lip curved upwardly, so that the front tip of the ski stays on the surface of the snow.

Regarding claim 10, Koblick discloses wherein said straps are comprised of an elastic material (See column 2, lines 48-56).

5. **Claims 11-17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koblick (US Patent 4,004,355) in view of Rapin (GB 473,231).** Koblick discloses a ski system (10) having a base member (12) having an upper surface (16), a pair of opposing side edges (20) that are parallel to one another, and a lower surface (See Fig. 3); a first sidewall (20)

Art Unit: 3618

and second sidewall (20) extending from said base member, wherein said sidewalls include a plurality of apertures (See Fig. 1) within for receiving a securing strap (14) that secures a shoe (24) upon said base member, a securing structure (14) attached to said upper surface of said base member for catchably receiving a shoe; **[claims 12-13]** wherein said front portion is tapered/curved upwardly and forwardly to said lower surface of said base member; **[claim 14]** wherein said rear portion extends upwardly to said lower surface of said base member; **[claim 15]** wherein said rear portion extends upwardly at a forward angle to said lower surface of said base member; **[claim 16]** wherein said base member includes a front lip (22) curved upwardly; **[claim 19]** wherein said securing structure is comprised of a receiver structure for receiving the rear portion of a shoe, a first strap attached to said base member, a first strap attached to said base member and a second strap attached to said base member, wherein said straps may be connected about a front portion of said shoe (See Figs. 1-2); **[claim 20]** wherein said straps are comprised of an elastic material (See column 2, lines 48-56).

Koblick does not disclose a plurality of gripping members attached to and extending downwardly from said lower surface, wherein each of said plurality of gripping members has a front portion for gliding upon a snow surface allowing forward movement and a rear portion for engaging said snow surface for preventing rearward movement, wherein said plurality of gripping members are aligned in three parallel rows along a longitudinal axis of said base member. Rapin discloses providing a plurality of gripping members attached to and extending downwardly from said lower surface, wherein each of said plurality of gripping members has a front portion for gliding upon a snow surface allowing forward movement and a rear portion for engaging said snow surface for preventing rearward movement, wherein said plurality of

Art Unit: 3618

gripping members are aligned in three parallel rows along a longitudinal axis of said base member (See Figs. 1-3). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to provide three parallel rows of gripping members on the ski system disclosed in Koblick in view of the teaching of Rapin. The motivation for doing so would have been to allow the ski to slide freely upon snow and also prevent backward motion of the ski during ascent (See column 1, lines 38-50).

Regarding claim 17, Rapin discloses wherein said rear portion is comprised of a closed structure.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (703) 308-1224. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Johnson can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/059,524

Page 6

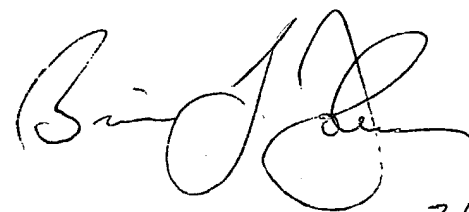
Art Unit: 3618

J. Allen Shriver

Examiner

Art Unit 3618

JAS 3/17/04



3/  
17/  
04